

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 854 OF 2023
WITH
INTERIM APPLICATION NO. 2774 OF 2023
IN
CRIMINAL APPEAL NO. 854 OF 2023

Saurav @ Saurav Rajendra Lad and .. Appellants
anr

Versus

The State of Maharashtra and anr .. Respondents

...

Mr. Prashant Mohite with Mr.S.M. Mangaonkar for the appellant
Mr. S.R. Agarkar, APP for the State.
Mr.Rohit Prakash Dhangar respondent no.2 present in person.
PSI Raju B.G. from Badlapur (East) police station.

CORAM: BHARATI DANGRE, J.
DATED : 26th OCTOBER, 2023

P.C:-

1 Mr. Rohit Prakash Dhangar, respondent no.2 is present in the Court and though on the last date i.e. 3/10/2023, time was granted to him to engage a counsel, he state that that his counsel is busy in the trial Court.

I have heard the learned counsel for the appellant and the learned APP for the State.

2 The appellants are charged u/s.323, 324, 143, 144, 147, 148, 149 of IPC and Section 3(1)(r), 3(1)(s), 3(1)(y) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. On completion of investigation, charge-sheet is filed on 7/3/2023 against five accused persons.

Counsel for the appellant place reliance upon the order passed by me on 12/4/2023 when the co-accused were held entitled to be released on bail, considering the accusations faced in the charge-sheet and on the relevant date, the Investigating Officer attached to Badlapur police station made a statement that the investigation is on the verge of completion and the charge-sheet is ready to be filed shortly.

3 As far as the present case is concerned, the learned APP, on instructions of the Investigating Officer, make a statement that the custodial interrogation of the appellant is not warranted though he clarify that on completion of investigation, charge-sheet is filed only against the arrested accused persons, but since I deem it appropriate to release them on bail on 13/4/2023, I see no reason why the protection conferred on the two appellants granted on 4/8/2023 shall not be confirmed.

In the wake of the above, order dated 4/8/2023 is made absolute.

Appeal stands allowed in the aforesaid terms.

In view of the disposal of the Appeal, IA does not survive and is disposed off.

(SMT. BHARATI DANGRE, J.)